APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/656,588	09/07/2000	Michael J. Duigou	5181-72300	1253

7590	10/31/2006

Robert C Kowert
Conley Rose & Tayon P C
P O Box 398
Austin, TX 78767-0398

EXAMINER
BLAIR, DOUGLAS B

ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/656,588	DUIGOU ET AL.
	Examiner	**Art Unit**
	Douglas B. Blair	2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>04 August 2006</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-54</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-54</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   In view of the Appeal Brief filed on 8/4/2006, PROSECUTION IS HEREBY

REOPENED. A new grounds of rejection is set forth below. The new grounds is presented in

view of the new and more detailed arguments presented in the appeal brief and the Humpleman

reference (U.S. Patent Number 7,043,532), which was not published until after the last office

action was mailed.

2.   To avoid abandonment of the application, appellant must exercise one of the following

two options:

        (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37

CFR 1.113 (if this Office action is final); or,

        (2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an

appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee

can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have

been increased since they were previously paid, then appellant must pay the difference between

the increased fees and the amount previously paid.

3.   A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing

below:

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

5.   Claims 1-11, 16-29, 34-49, and 52-54 are rejected under 35 U.S.C. 103(a) as being

unpatentable over U.S. Patent Number 6,633,757 to Hermann et al. in view of U.S. Patent

Number 7,043,532 to Humpleman et al.

6.   As to claim 1, Hermann teaches a method for accessing a proximity service comprising: a

client device forming a direct point-to-point communication link with a service device (col. 6,

lines 28-46 and col. 7, lines 62-64); the client device directly requesting to the service device an

interface to access a service provided by the service device (col. 13, lines 27-41); the client

device receiving interface information directly form the service device (col. 13, line 66-col. 14,

line 22); wherein said requesting and said receiving a are performed over said direct point-to-

point communication link (col. 6, lines 28-46 and col. 7, lines 62-64); and the client device using

the information about the interface to access the service (col. 13, line 66-col. 14, line 22);

however, Hermann does not explicitly teach the service interface information in the form of a

document.

Humpleman teaches a client device directly requesting to a service device a document

that describes an interface to access a service provided by the service device (col. 12, lines 20-

30); wherein the client device receives the document directly from the service device (col. 11,

line 63-col. 12, line 9), wherein said document comprises information describing how to access

the service (col. 12, lines 20-30), and the client device uses the information for said document to access the service (col. 13 lines 17-31).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Hermann regarding a method for accessing a service via a point to point link with the teachings of Humplemann regarding the use of a specific document to provide an interface for accessing the service because Hermann states that a service description should be flexible and extensible (col. 7, lines 39-40) suggesting an XML solution such as that taught by Humplemann. Furthermore the Hermann (col. 6, lines 52-67) and Humplemann (col. 1, lines 36-54 and col. 6, lines 21-46) references are directed to the same field of devices, specifically consumer electronics.

7.   As to claim 2, Humpleman teaches requesting comprising the client sending an advertisement request message for the service to the service device over the communication link, wherein the advertisement request message is in a data representation language (col. 10, lines 4-48).

8.   As to claim 3, Humpleman teaches the data representation language is XML (col. 10, lines 4-48).

9.   As to claim 4, Humpleman teaches a method wherein said document comprises a service advertisement for the service, wherein said service advertisement comprises a schema specifying an interface to at least a portion of the service (col. 16, line 50-col. 17, line 16).

10.   As to claim 5, Humpleman teaches a method wherein said schema is an XML schema defining XML messages for a client on the client device to send the service and the service to

send to the client in order for the client to access capabilities of the service (col. 16, line 50-col.

17, line 16).

11.   As to claim 6, Humpleman teaches a method wherein the client device using the

information from said document comprises the client sending one or more of said XML

messages to the service over said communication link (col. 16, line 50-col. 17, line 16).

12.   As to claim 7, Humpleman teaches a method wherein said receiving comprises receiving

said document in an advertisement request response message sent from the service over said

communication link, wherein the advertisement request response message is in a data

representation language (col. 16, line 50-col. 17, line 16).

13.   As to claim 8, Humpleman teaches a method wherein the data representation language is

XML (col. 16, line 50-col. 17, line 16).

14.   As to claim 9, Hermann teaches a method wherein the client device in proximity to a

service device for wireless communications (col. 12, lines 20-49).

15.   As to claim 10, Hermann teaches the method of claim 1, wherein said direct point-to-

point link is an irDA infrared link (col. 12, line 40-col. 13, line 19)

16.   As to claim 11, Hermann teaches a method wherein the client device is in wireless

proximity of the service device (col. 12, lines 20-49).

17.   As to claim 16, Hermann teaches a method wherein the client device supports a transport

connection in addition to said direct point-to-point communication link, wherein said client

device using the information from said document to access the service comprises the

client device making said document available to other devices over said transport

connection, wherein the client device provides a bridge from said transport connection to

said direct point-to-point communication link so that the other devices may access the service (col. 14, lines 30-54).

18.   As to claim 17, Hermann teaches a method wherein said transport connection comprises a network connection (col. 14, lines 30-54).

19.   As to claim 18, Hermann teaches a method wherein said network connection comprises an Internet connection (col. 14, lines 30-54).

20.   As to claims 19-29, 34-36, 39-49 and 52-54, they feature limitations found in claims 1-11 and 16-18 and are rejected for the same reasons as claims 1-11 and 16-18.

21.   As to claim 37, it features limitations corresponding to the client in claim 1 and is therefore rejected for the same reasons as claim 1.

22.   As to claim 38, it features limitations corresponding to the server in claim 1 and is therefore rejected for the same reasons as claim 1.

23.   Claims 12-15, 30-33, and 50-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,633,757 to Hermann et al. in view of U.S. Patent Number 7,043,532 to Humpleman et al. in further view of U.S. Patent Number 6,398,245 to Gruse et al.

24.   As to claim 12, the Hermann-Humpleman combination teaches the method of claim 1; however the Hermann-Humpleman combination does not explicitly teach the use of a security credential.

25.   Gruse teaches a method wherein said requesting comprises including client security credential in a request to said service device for said document, and wherein said service device

authenticates said client security credential before sending said document to the client device
(col. 19, lines 10-45).

26.   It would have been obvious to one of ordinary skill in the Computer Networking art at the
time of the invention to combine the teachings of the Hermann-Humpleman combination
regarding distributed services with the teachings of Gruse regarding the use of a security
credential because security credentials allow the owner of a service to regulate delivery,
licensing, and control the usage of a service (Gruse, col. 3, lines 25-27).

27.   As to claim 13, the Hermann-Humpleman combination teaches the method of claim 1;
however the Hermann-Humpleman combination does not explicitly teach the use of a security
credential.

28.   Gruse teaches a method wherein said client device using the information from said
document to access the service comprises: a client on the client device requesting a security
credential form an authentication service specified in said document; the client receiving said
security credential (col. 19, lines 10-45); and the client including said security credential with a
subsequent to the service to access a capability of the service (col. 19, lines 10-45).

29.   It would have been obvious to one of ordinary skill in the Computer Networking art at the
time of the invention to combine the teachings of the Hermann-Humpleman combination
regarding distributed services with the teachings of Gruse regarding the use of a security
credential because security credentials allow the owner of a service to regulate delivery,
licensing, and control the usage of a service (Gruse, col. 3, lines 25-27).

30.   As to claim 14, Gruse teaches a method comprising the service verifying the client's
security credential before allowing access to the capability (col. 19, lines 10-45).

31.   As to claim 15, Gruse teaches a method wherein said authentication service is provided

by the service device (col. 19, lines 10-45).

32.   As to claims 30-33 and 50-51, they are rejected for the same reasons as claims 12-15.
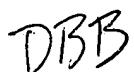

Conclusion

33.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Douglas B. Blair whose telephone number is 571-272-3893. The

examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Douglas Blair

- EW CALDWELL

HY PATENT EXAMINER